

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

In the Matter of

Review of the Pioneer's
Preference Rules

)
)
)
)

ET Docket No. 93-266

RECEIVED

NOV 22 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

REPLY COMMENTS OF COX ENTERPRISES, INC.

Werner K. Hartenberger
Laura H. Phillips

Its Attorneys

DOW, LOHNES & ALBERTSON
1255 23rd Street Suite 500
Washington, D.C. 20037
(202) 857-2500

November 15, 1993

No. of Copies rec'd
List A B C D E

024

SUMMARY

Cox Enterprises, Inc. ("Cox"), holds a tentative pioneer preference awarded by the Commission in recognition of Cox's meritorious development of cable-based Personal Communications Services ("PCS"). While the Notice suggests that competitive bidding authority may make modifications to the pioneer preference rules desirable, Cox submits that the Commission cannot retroactively apply rule changes to those parties the Commission has already identified as deserving of a tentative preference.

The record in this proceeding overwhelmingly supports the continuation of the program. While some commenters advocate minor prospective modifications to the preference rules, there is little serious dispute that the public interest will be served if some form of the program survives the Commission's implementation of competitive bidding. There is even less controversy that the Commission should honor its commitment to award licenses to the tentative pioneer preference holders that embarked on substantial, innovative developmental efforts in reliance on the Commission's invitation.

Those few commenters that advocate retroactive, draconian application of any pioneer preference rule modification do so out of obvious self interest. These companies represent landline and mobile services incumbents that might face increased competition by the finalization of PCS preferences.

Finally, the Commission should reject efforts of these parties to render the preference award into something that does not relate to the business plan or service vision of the pioneer or that can be "gamed" by non-preference

bidders in the auction process. Cox urges the Commission to finalize its preference award using as a basis the 30 MHz Major Trading Area license.

TABLE OF CONTENTS

	Page
I. CONTINUATION OF THE PIONEER PREFERENCE POLICY IS WARRANTED	1
II. TENTATIVE PREFERENCE HOLDERS SHOULD NOT BE SUBJECT TO PROSPECTIVE RULE CHANGES	6
III. THOSE COMMENTERS URGING REPEAL OF EXISTING TENTATIVE PREFERENCES HAVE QUESTIONABLE MOTIVES	7
IV. PREFERENCE AWARDS MUST RELATE TO THE PLANS OF THE PREFERENCE HOLDERS.	11
A. Discounts on Auction Bids	11
B. Award of a 20 MHz BTA License	13
V. CONCLUSION	16

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of

Review of the Pioneer's
Preference Rules

)
)
)
)

ET Docket No. 93-266

REPLY COMMENTS

Cox Enterprises, Inc. ("Cox"), by its attorneys, hereby files reply comments on the above captioned proceeding examining the impact of the recent passage of the Omnibus Budget Reconciliation Act of 1993 (the "Reconciliation") on the Commission's pioneer preference program.^{1/}

I. CONTINUATION OF THE PIONEER PREFERENCE POLICY IS WARRANTED

The record in this proceeding overwhelmingly supports continuation of the Commission's pioneer preference policies. Parties that have had firsthand experience with the Commission's program, even those that the Commission has not singled out for the award of a preference, recognize the enormous public benefit derived from the program's inducement of a spectrum license award for meritorious work.^{2/} Few commenters believe that the advent of competitive

1/ Pioneer's Preference Rules, FCC 93-477, released October 21, 1993 ("Notice").

2/ See Comments of Cablevision Systems Corporation at 3-4; Comments of CELSAT, Inc. at 7-9; Comments of Qualcomm Incorporated at 3; Comments of Rockwell International Corporation at 2; Comments of Satellite CD Radio, Inc.
(continued...)

bidding for spectrum licenses changes the need for a preference program entailing a substantial license award. Those commenters arguing that the program should be revised in light of competitive bidding nearly universally support modification of the preference program prospectively. Those isolated commenters that wish to marginalize the program or repeal it altogether are entities that would face competition from new entrants.

The comments also strongly affirm the pioneer preference program as applied to Personal Communications Services ("PCS"). Numerous commenters state that the availability of preferences in PCS provided the critical incentive to undertake research and development efforts that otherwise would not have occurred.^{3/} While a few commenters still urge the Commission to select their test efforts as meritorious, the large majority of commenters support the efficacy of the program regardless of whether they would realize a direct licensing benefit. The comments confirm that the preference program has a value to the public that

2/ (...continued)

at 7; Comments of the Chief Counsel for Advocacy of the United States Small Business Administration at 2.

3/ See Comments of Cablevision Systems Corporation at 3-4; Comments of In-Flight Phone Corporation at 6-7; Comments of Qualcomm Incorporated at 3-4; Comments of Rockwell International Corporation at 2; Comments of Suite 12 Group at 7; Comments of Omnipoint Communications, Inc. at 8; Comments of PCN America, Inc. at 6; Comments of Advanced MobileComm Technologies, Inc./Digital Spread Spectrum Technologies, Inc. at 8; Comments of CELSAT at 7; Comments of American Personal Communications at 1-2; Comments of Omnipoint Communications, Inc. at 1-2, 5-6; Comments of Cox Enterprises, Inc. at 1-2.

is substantial by greater than the presumed dollar value of licenses awarded to pioneers.

Auctions do not alter the need for some type of program that provides an incentive to develop new technical and service proposals. As several comments observe, the Commission's rules do not permit licensees to choose the services they wish to provide in a particular spectrum block.^{4/} As a result, the Commission's service specific spectrum allocation processes continue to present enormous hurdles to innovators seeking to develop and introduce new services. New services proponents must petition the Commission to initiate a rulemaking, prosecute a technical proposal and await a Commission decision to allocate spectrum for licensing of the new service.

The auction process does nothing to remove the uncertainty and cost of expending resources; placing sensitive proprietary, valuable material in the public domain; and running the risk of ultimately being deprived of the opportunity to provide a service by being outbid for an operating license. The comments nearly universally disagree with the speculation in the Notice that an innovating party can be licensed to provide a service if it is a successful bidder in a spectrum auction. There is no assurance that an innovator can match the persistence or the deep pockets of an incumbent competitor to whom keeping a

4/ See e.g., Comments of Henry Geller at 3; Comments of American Personal Communications at 4.

competitor out of the market is worth more than the fair market value of the auctioned license.

Further, requiring an innovator to bid for spectrum on the same basis as all other bidders guts the fundamental premise of the preference policy. The preference policy was created to provide an adequate incentive to innovators. The policy provides that an innovator will have not only the same opportunity as all comers for a license, but an effective guarantee of a license.^{5/} The Notice and those comments opposed to the continued application of the policy fail to recognize that a fundamental shift of the expected "reward" directly impacts the incentive to innovate. It is hard to imagine why a company or individual would pour enormous funds, human resources, effort and time into developing new technologies and services only to be placed on the same track and have the same expectation of receiving a license as someone who has contributed nothing to the development of a service; has no wasted resources; has not divulged for the public benefit any proprietary information; and steps forward only with ready cash.^{6/} It

5/ See Report and Order, GEN Docket No. 90-217, 6 FCC Rcd 3488, 3492 (adopted April 9, 1991); Memorandum and Order, GEN Docket No. 90-217, 7 FCC Rcd 1808, 1809 (adopted February 13, 1993) (affirming pioneer's preferences would be dispositive awards).

6/ The Commission was aware of the inherent differences between comparative preferences and dispositive preferences when it initially chose to guarantee licenses to preference holders. In fact, it was precisely the risk that a license would not be awarded to an innovator that motivated that Commission to adopt its preference option:

(continued...)

is only the effective guarantee of a license that creates a sufficient incentive to innovate.^{7/}

The public interest in the continued availability of preferences is obvious. The comments demonstrate that a broad range of parties benefit from preferences. The biggest winner, however, is the American public that benefits from the availability of new services and the introduction of competition. A pure spectrum auction environment without some form of effective preference program will fail to produce the same public benefit that the Commission's current preference policy so clearly has achieved.

6/ (...continued)

Our objective in establishing a pioneer's preference is to reduce the risk and uncertainty innovating parties face in our existing rule making and licensing procedures, and therefore to encourage the development of new services and new technologies. The essence of this risk and uncertainty is that they may not be awarded a license and, therefore, may not be able to take their developmental work into full business operation. The most workable action we can take to reduce this risk is effectively to guarantee an otherwise qualified innovating party that it will be able to operate in the new service by precluding competing applications. Any other approach that would maintain a significant potential that another party could be awarded the right to operate and the innovator could be foreclosed, would severely limit the value of the preference and undercut its public interest purpose.

See Report and Order at para. 32. It is well-settled that preference holders were placed on a "separate track"; not subject to competing applications. See Memorandum Opinion and Order, GEN Docket No. 90-217 further reconsideration denied, 8 FCC Rcd 1659 (1993) at para. 2 & 7.

7/ See Comments of American Personal Communications at 1-3; Comments of Omnipoint Communications, Inc. at 6-9; Comments of Michael B. Gordon (Montgomery Securities) at 1; Comments of Unterberg Harris at 1-2.

II. TENTATIVE PREFERENCE HOLDERS SHOULD NOT BE SUBJECT TO PROSPECTIVE RULE CHANGES

While the large majority of commenters support continuation of the preference policy, a few commenters cite the auction legislation as a reason to modify or eliminate the preference program altogether.^{8/} There is overwhelming agreement among even those commenters that seek prospective modifications to the program, however, that PCS preference holders must not be caught in the middle of any modifications to the preference rules. Commenters recognize that the preference holders (and other parties) relied upon the program and the guarantee of a license in exchange for significant, groundbreaking service and technology development. The tentative preference holders provided what was expected of them. The fruits of their research and development were shared with the public and the Commission.^{9/} The bargain the Commission struck with all PCS preference applicants, and in particular the tentative preference holders, cannot now be undone.^{10/} The tentative preferences awarded for merit in PCS development must be finalized immediately.

^{8/} See Comments of BellSouth Corporation, et al. at 3-7; Comments of Nextel at 5-6; Comments of Southwestern Bell at 2-5.

^{9/} For example, Cox is filing concurrently the eleventh of its scheduled PCS experimental license progress reports. The report details Cox's continuing work on cable-based PCS implementation, including the announcement of a series of tests with significant potential PCS equipment manufacturers.

^{10/} Cox's comments in this proceeding demonstrated that the Commission retains full authority and discretion to finalize the broadband PCS preferences and to award future preferences, if warranted, consistent with the Commission's auction authority. See Comments of Cox Enterprises, Inc. at 4-6.

III. THOSE COMMENTERS URGING REPEAL OF EXISTING TENTATIVE PREFERENCES HAVE QUESTIONABLE MOTIVES

Only a few commenters seek to have the Commission retroactively strip the PCS pioneers of their awards or have the Commission provide an insubstantial award of little or no value to the development of full featured (voice and high speed data) PCS. The motives of these commenters in attempting to discredit the preference program are obvious.

BellSouth argues that the enactment of auction legislation "eliminates any justification for creating special incentives to innovate, and in fact establishes statutory objectives that require elimination of the current pioneer's preference policy."^{11/} In support of this absurd proposition, BellSouth provides a tortured reading of portions of the Reconciliation to support its view that the preference policy is contrary to the statute's objectives. BellSouth's argument, of course, overlooks entirely the express statutory recognition of the pioneer preference program and Congressional authorization for the Commission to

^{11/} See Comments of BellSouth Corporation at 2-3. As an example, BellSouth states that the Reconciliation places emphasis on the provision of new services to rural markets. BellSouth postulates that because preference holders are able to pick their licensed market and will likely choose to serve specific population centers that the preference program is inconsistent with this particular statutory objective. BellSouth's strained argument ignores the basic population coverage requirement that will be a condition of all PCS licenses. BellSouth also fails to explain why auction participants as a group will be more likely to select rural markets as desirable licensed service areas than will preference holders.

continue to award preferences notwithstanding spectrum auction requirements.^{12/}

BellSouth also attacks the preference policy by implying its unfairness. BellSouth states that the "preference winner does not have to wait for the results of the auction or even the award of a license to be certain that it will be a licensee. This gives the preference winner a substantial head start in lining up financing and marketing its service."^{13/} BellSouth postulates that this head start will make auctioned licenses less valuable and thereby deprive the Treasury of revenues.^{14/}

BellSouth's argument is demonstrably false. First, the preference policy, whether applied in a lottery or an auction, would result in the preference holder gaining a license ahead of other licensees proceeding on a separate

^{12/} Section 6002(j)(6) of the Omnibus Budget Reconciliation Act specifically provides that "[n]othing in this subsection, or in the use of competitive bidding, shall ... be construed to prevent the Commission from awarding licenses to those persons who make significant contributions to the development of a new telecommunications service or technology" Omnibus Budget Reconciliation Act of 1993, (PL 103-66), Title VI, Sec. 6002 (j)(6) and (j)(6)(G) (to be codified at 47 U.S.C. § 309 (j)(6)).

^{13/} See Comments of BellSouth Corporation at 6.

^{14/} BellSouth also argues that the preference program discourages spectrum efficiency because preference holders seek large allocations. BellSouth inaccurately implies that the PCS preference holders were among "a handful" of commenters urging 40 MHz allocations for licensed PCS providers. In fact, numerous equipment manufacturers and other parties interested in the success of PCS advocated 40 MHz block assignments. See Comments of Associated PCN Company at 3; Comments of Comsearch at 3-4; Comments of Time-Warner Telecommunications at 5; Comments of Interdigital Communications Corp. at 11-12; Comments of PCN America, Inc. at 3-4; Comments of Qualcomm Incorporated at 2-3, GEN Docket 90-314 (filed November 9, 1992).

processing track. This argument did not deter the Commission from adopting the preference policy in the lottery licensing context and should have no effect on the Commission's decision to continue the policy in the auction licensing context.^{15/} BellSouth's head start argument also is misplaced; the current delay in the finalization of the broadband PCS awards is eroding any minimal head start a pioneer might otherwise enjoy.

Second, comments in this proceeding demonstrate that the availability of the preference has induced a tremendous amount of research and developmental information that experimenters have shared with the public. This information explosion has drawn many into the field and provided concrete validation of technology and service concepts. The bidding for PCS licenses will be far more intense and the revenues realized will be far greater as a result of the research and service development undertaken by the PCS pioneers and other experimenters at the invitation of the Commission.

Finally, BellSouth's complaint about the potential pioneer's head start is curious in light of BellSouth's direct benefit as a wireline cellular carrier from the Commission's wireline set aside policy. The Commission's set aside policy provided the wireline cellular carriers with a head start in virtually every one of the 734 cellular markets. The argument that three broadband PCS pioneer

^{15/} The Commission in fact anticipated that the preference holder might enjoy a headstart as a result of the Commission's lottery licensing processes. See Report and Order at para. 34.

preference awards will constitute an unwarranted head start over two thousand five hundred auctioned licenses is ludicrous.

The arguments of BellSouth and its LEC brethren that seek to undo the Commission's preference awards to PCS pioneers are transparent. NYNEX, Southwestern Bell and GTE, along with BellSouth, urge either elimination or marginalization of the PCS preference awards. Each of these commenters either opposed the Commission's original preference program or expressed misgivings regarding the Commission's preference determinations.^{16/} It is hardly surprising that these commenters support either radical surgery or a swift end to the preference program because they have a stake in maintaining the status quo in telecommunications services, both landline and mobile. Retroactive limitation of the PCS preferences would eliminate a potentially serious source of competition to LECs and their affiliated cellular carriers in the markets where preferences have been awarded. The Commission cannot fail to recognize the direct benefit that would accrue to these carriers if the PCS preferences are not finalized or if

^{16/} See e.g. Comments of BellSouth, GEN Docket No. 90-217 (filed June 29, 1990) (opposing the establishment of pioneer's preference rules on the basis of "legal and implementation difficulties"); Comments of NYNEX, GEN Docket No. 90-217 (filed July 30, 1990) (same concerns expressed); see also Comments of NYNEX, GEN Docket No. 90-314 (filed January 24, 1992) (opposing pioneer's preference applications accepted by the Commission).

they are marginalized to a point that they have little or no value.^{17/} The Commission's own pro-competitive policies weigh against this result.

IV. PREFERENCE AWARDS MUST RELATE TO THE PLANS OF THE PREFERENCE HOLDERS.

Several comments propose that the scope of the PCS preferences award be altered in light of the competitive bidding revisions to the Communications Act. These comments suggest several alternative formulations for a preference award. Cox opposes these alternatives as inconsistent with legal norms against retroactive application of new rules and tantamount to not awarding a preference to Cox at all.

A. Discounts on Auction Bids

Several commenters repeat the Notice's suggestion that pioneer preference rules could be modified prospectively. These comments, however, urge the Commission to modify outstanding PCS preference awards by requiring the preference holders to participate in an auction, and if they are the winning bidder to pay a discounted portion of their winning bid.^{18/} A variation of this proposal

^{17/} Nextel, the nation's first digital mobile services provider, also supports retroactive application of a preference rule repeal. Alternatively, Nextel argues that a 10% discount on the smallest available spectrum block and market size would be an appropriate award if PCS preferences are retained. These proposals come from a mobile communications competitor that has successfully acquired or aggregated SMR spectrum covering large portions of the US population and, apparently, would prefer not to see the development of PCS as a competitor to existing mobile services anticipated by the Commission's preference policy.

^{18/} See e.g. Comments of NYNEX at 3 (noting that preference holders should be entitled to receive a discount, or some other special financial arrangement, if
(continued...)

would require that the preference holder match a winning auction bid, presumably for a comparable spectrum block.^{18/}

Aside from the issues posed by requiring pioneer participation in an auction, these recommendations overlook the real potential for bidding collusion. If a pioneer is required to win a bid outright, the obvious incentive of other bidders will be to push the price up to a point that the pioneer realizes no benefit and the proposed discounts disappear.^{20/} The result is the same as retroactive elimination of the program because of the obvious means and clear incentive non-preference bidders would have to manipulate the competitive bidding process.

The proposal to recognize a preference by allowing a pioneer to match a comparable winning auction bid is contrary to the current preference

18/ (...continued)

they win the auction by submitting the highest bid); See Comments of ArrayComm, Inc. at 9 n.15 (recommending that if dispositive nature of preferences is altered, a substantial discount of 85% be applied to an innovator's winning bid); Comments of Cablevision Systems Corporation at 12 (proposing 50% discount on a successful bid); Comments of Personal Communications Network Services of New York at 1 (noting that percentage discount should be 35% to enable the PCS innovator to bid appropriately 50% higher on any bid it would submit); Comments of Suite 12 Group at 14 (proposing that if a pioneer submits a winning bid, it be required to pay at a "substantial discount" -- greater than 75%); Comments of PageMart, Inc. at 7 (suggesting that a discount of 5% be afforded preference holders).

19/ See e.g. Comments of Pacific Bell and Nevada Bell at 3.

20/ The comments proposing that preference licenses be subject to the bidding process are silent as to how the Commission's proposed combinatorial bidding procedures could be harmonized with a preference holder bidding requirement. Under the proposed auction rules, a pioneer could win the bid for its license in an individual market but still lose the license if a consortium provides a successful regional or nationwide combinatorial bid.

program's guarantee of a license. Requiring an innovator to be the winning bidder or match the winning bidder fails to place the preference holder in any better position than any other bidder. In fact, it places the preference holder in a worse position because the preference holder already has invested heavily in developing the service. Despite this early commitment of the preference holder, other bidders could easily game the bidding process to disadvantage the preference holder; the preference holder has no control over the amounts others will bid for spectrum.

Even assuming that the preference holder is in a financial position to overbid for the desired spectrum, the preference holder will be left with far fewer resources with which to construct the network that is critical to the success of PCS and to pay the costs associated with the relocation of incumbent microwave operations. The Commission must reject attempts to further handicap the development of PCS as a competitive service.

B. Award of a 20 MHz BTA License

Another method proposed by several commenters to recognize the PCS pioneer preferences is to award each preference holder a 20 MHz BTA license outside of the auction process.^{21/} While Cox does not question the motives of the parties that suggest a 20 MHz BTA license award as a compromise, parties advocating this result apparently are unaware of extreme

^{21/} See Comments of Cablevision Systems Corporation at 9; Comments of Henry Geller at 5.

problems associated with the award of a 20 MHz BTA license to Cox for use in Southern California.

The Commission's PCS rules prevent the aggregation of PCS spectrum above a 40 MHz per license area cap. Since PCS spectrum is to be divided into two 30 MHz and one 20 MHz allocations in the 1850-1970 MHz band, there is no method consistent with the rules that permits a 20 MHz licensee to join with a 30 MHz licensee to aggregate the spectrum necessary to provide full featured (voice and high speed data) PCS. As Cox observed in its comments and September 28, 1993 letter to the Commission, the aggregation of upper and lower PCS spectrum bands is no solution to this dilemma, since, as the Commission itself has recognized, no equipment is available or under development that could provide an integrated service utilizing such disparate bands.^{22/}

Cox's PCS service vision and business plan are predicated on the need for more than 20 MHz of spectrum to deploy the full range of services and avoid, to the extent possible, the need to perform immediate, wholesale relocations of incumbent microwave users from the band that might make the rendition of PCS service to the public prohibitively expensive.^{23/}

^{22/} Furthermore, use of the 20 MHz BTA allocation for PCS preference purposes is contrary to the Commission's proposal to set aside this block for designated entities for special licensing consideration.

^{23/} This assumes, of course, that Cox is permitted to relocate incumbent microwave operations that otherwise would make the rendition of PCS impossible. The Commission's current rules grant a large number of microwave users grandfathered status in the band, raising the prospect of gaping holes in critical
(continued...)

Because of the actual operating environment in Southern California, the Commission cannot assume that a 20 MHz BTA license award will meet Cox's service goals and business plans for PCS.^{24/} Accordingly, while those commenters that appropriately recognize the equitable and legal infirmities associated with retroactively applying rule changes to the PCS preference holders are on the right track, they have not performed the spectrum utilization analysis to conclude that 20 MHz is a sufficient spectrum award for Cox to provide full featured PCS in its selected MTA. To the contrary, a 20 MHz BTA license will prove inadequate, marginalizing Cox's preference award and dispiriting other innovators who might otherwise undertake new service development.

Cox urges the Commission to award Cox a 30 MHz license for the Los Angeles MTA. If the Commission is convinced that some adjustment of the award is necessary, Cox requests that a 30 MHz license be issued for the BTAs comprising the San Diego-Los Angeles metropolitan areas.^{25/}

^{23/} (...continued)

portions of a PCS licensee's service area in order to comply with relevant microwave interference criteria.

^{24/} Cox has placed its microwave utilization study of portions of the Los Angeles MTA in the record in Gen. Docket No. 90-314 (January 8, 1993). This study highlighted the impossibility of deploying service in many critical areas of the MTA without substantial PCS spectrum allocations due to the high concentration of microwave operations.

^{25/} In order not to leave a hole in the MTA, the Commission could consider adding a license requirement that Cox have some specified bidding responsibility for the remainder of the MTA market.

V. CONCLUSION

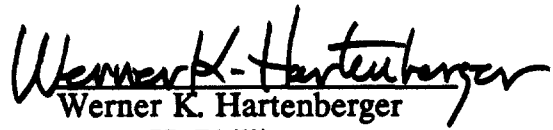
The record demonstrates that the pioneer preference program has been successful because it induces innovative research and new service development. It encourages full public disclosure of technical and service development information that can be reviewed and adapted by other parties. The record also confirms the continuing public interest in maintaining the pioneer preference program despite the introduction of competitive bidding requirements for spectrum. Virtually all the comments recognize the significant legal issues presented by retroactively stripping the PCS pioneers of their awards. They also agree that the Commission should follow through on the commitments it made to those involved in the preference program, and the PCS pioneers in particular, who spent substantial time and effort in reliance on the preference award.

Those few commenters seeking to undo existing tentative preferences stand to benefit from the retraction or marginalization of PCS

pioneer preference awards. Their transparent arguments should not dissuade the Commission from immediately finalizing Cox's preference.

Respectfully submitted,

COX ENTERPRISES, INC.


Werner K. Hartenberger
Laura H. Phillips

Its Attorneys

DOW, LOHNES & ALBERTSON
1255 23rd Street, N.W.
Washington, D.C. 20037
(202) 857-2500

November 22, 1993

CERTIFICATE OF SERVICE

I, Pamela Marie DuBost, hereby certify that today on this 22nd day of November, 1993, I caused a copy of the REPLY COMMENTS OF COX ENTERPRISES, INC. to be served by hand delivery or first-class mail, postage prepaid to the following:

- | | |
|---|---|
| <p>* The Honorable James H. Quello
Chairman
Federal Communications Commission
1919 M Street, NW Room 802
Washington, DC 20554</p> | <p>* Jeffrey H. Hoagg
Special Advisor to
Commissioner Barrett
Federal Communications Commission
1919 M Street, NW Room 826
Washington, DC 20554</p> |
| <p>* The Honorable Andrew C. Barrett
Commissioner
Federal Communications Commission
1919 M Street, NW Room 826
Washington, DC 20554</p> | <p>* Byron F. Marchant
Senior Legal Advisor to
Commissioner Barrett
Federal Communications Commission
1919 M Street, NW Room 844
Washington, DC 20554</p> |
| <p>* The Honorable Ervin S. Duggan
Commissioner
Federal Communications Commission
1919 M Street, NW Room 832
Washington, DC 20554</p> | <p>* Linda L. Oliver
Legal Advisor to
Commissioner Ervin Duggan
Federal Communications Commission
1919 M Street, NW Room 832
Washington, DC 20554</p> |
| <p>* Brian F. Fontes
FCC Chief of Staff
Federal Communications Commission
1919 M Street, NW Room 802
Washington, DC 20554</p> | <p>* Randall S. Coleman
Legal Advisor to
Commissioner Ervin Duggan
Federal Communications Commission
1919 M Street, NW Room 832
Washington, DC 20554</p> |

* Via Hand Delivery

- * Robert Corn-Revere
Senior Legal Advisor to
Commissioner James Quello
Federal Communications Commission
1919 M Street, NW Room 802
Washington, DC 20554
- * Franklin Wright
Office of Engineering
and Technology
Federal Communications Commission
2025 M Street, NW Room 7322
Washington, D.C. 20554
- * Renée Licht
General Counsel
Federal Communications Commission
1919 M Street, NW Room 614
Washington, DC 20554
- * Fred Thomas
Office of Engineering
and Technology
Federal Communications Commission
2025 M Street, NW Room 7338
Washington, D.C. 20554
- * Robert M. Pepper, Chief
Office of Plans and Policy
Federal Communications Commission
1919 M Street, NW Room 822
Washington, DC 20554
- * Thomas P. Stanley, Chief
Office of Engineering and Technology
Federal Communications Commission
2025 M Street, NW Room 7002
Washington, DC 20554
- * David P. Reed
Office of Plans and Policy
Federal Communications Commission
1919 M Street, NW Room 822
Washington, DC 20554
- * Rodney Small
Office of Engineering and Technology
Federal Communications Commission
2025 M Street, NW Room 7332
Washington, DC 20554
- * David R. Siddall
Chief, Frequency Allocation Branch
Office of Engineering and Technology
Federal Communications Commission
2025 M Street, NW Room 7102-A
Washington, DC 20554
- * International Transcription Service
Federal Communications Commission
1919 M Street, NW Room 246
Washington, DC 20554

* Via Hand Delivery

Stephen G. Kraskin
 Sylvia Lesse
 Caressa D. Bennet
 Charles D. Cosson
 Kraskin & Associates
 2120 L Street, NW Suite 810
 Washington DC 20037
 Counsel for Adams Telcom, Inc.,
 Advanced Tel.,
 Inc., Columbia Wireless Limited
 Partnership, East Ascension
 Telephone Company, Inc., Middle
 Georgia Personal Communications,
 Paramount Wireless Limited
 Partnership, Reserve Telephone
 Company, Inc., Reserve Telecom-
 munications and Computer Corp.,
 and Tri-Star Communications, Inc.

Frank M. Panek
 Ameritech
 2000 W. Ameritech Center Drive
 Room 4H84
 Hoffman Estates, IL 60196-1025

Walter H. Sonnenfeldt
 Walter Sonnenfeldt & Associates
 4904 Ertter Drive
 Rockville, MD 20852
 Counsel for ArrayComm, Inc.

Gene A. Bechtel
 Bechtel & Cole, Chartered
 Suite 250
 1901 L Street, NW
 Washington, DC 20036
 Counsel for Advanced Cordless
 Technologies, Inc.

L. Andrew Tollin
 Michael Denel Sullivan
 Wilkinson, Barker, Knauer & Quinn
 1735 New York Avenue, N.W.
 Washington DC 20006
 Counsel for BellSouth Corporation,
 BellSouth Telecommunications, Inc.
 BellSouth Cellular Corporation
 Mobile Communications Corporation
 of America

Robert B. Kelly
 Douglas L. Povich
 Kelly, Hunter, Mow & Povich, P.C.
 1133 Connecticut Avenue, NW
 Washington, DC 20036
 Counsel for Advanced MobileComm
 Technologies, Inc. and
 Digital Spread Spectrum
 Technologies, Inc.

Charles D. Ferris
 James A. Kirkland
 Kecia Boney
 Mintz, Levin, Cohn, Ferris,
 Glovsky & Popeo, P.C.
 701 Pennsylvania Avenue, NW
 Suite 900
 Washington, DC 20004
 Counsel for Cablevision Systems
 Corporation

Jonathan D. Blake
 Kurt A. Wimmer
 Ronald J. Krotoszynski, Jr.
 Covington & Burling
 P.O. Box 7566
 Washington, DC 20044
 Counsel for American
 Personal Communications

Thomas J. Casey
 Simone Wu
 Skadden, Arps, Slate
 Meagher & Flom
 1440 New York Avenue, NW
 Washington, DC 20005
 Counsel for CELSAT, Inc.

John D. Lockton
 Managing Partner
 Corporate Technology Partners
 100 S. Ellsworth Avenue
 9th Floor
 San Mateo, CA 94401
 Counsel for Corporate
 Technology Partners

Rodney L. Joyce
 Ginsburg, Feldman and Bress
 1250 Connecticut Avenue, NW
 Washington, DC 20036
 Counsel for In-Flight
 Phone Corporation

W. Theodore Pierson, Jr.
 Pierson & Tuttle
 Suite 607
 1200 19th Street, NW
 Washington, DC 20036
 Counsel for Digital Satellite
 Broadcasting Corporation

Lawrence E. Phillips
 65 East 55th Street
 New York, NY 10022
 Counsel for Unterberg Harris

David A. Reams
 President and General Counsel
 Grand Broadcasting Corporation
 P.O. Box 502
 Perrysburg, OH 43552

Michael B. Gordon
 Senior Research Analyst
 Montgomery Securities
 600 Montgomery Street
 San Francisco, CA 94111

Gail L. Polivy
 GTE Service Corporation
 1850 M Street, NW
 Suite 1200
 Washington, DC 20036

Philip L. Malet
 Steptoe & Johnson
 1330 Connecticut Avenue, NW
 Washington, DC 20036
 Counsel for Motorola Satellite
 Communications, Inc.

Henry Geller
 1750 K Street, N.W.
 Suite 800
 Washington, DC 20006

Robert S. Foosaner
 Senior Vice President -
 Government Affairs
 Lawrence R. Krevor
 Director - Government Affairs
 Nextel Communications, Inc.
 601 13th Street, NW, Suite 1110 South
 Washington, DC 20005